

**SB 1304 (DeSaulnier)
As Amended – May 18, 2010**

**MICHELLE MAYKIN MEMORIAL DONATION PROTECTION ACT
Fact Sheet**

SUMMARY

SB 1304 provides private sector employees that donate life-saving bone marrow or organs paid, protected leave from their employment. This will promote bone marrow and organ donation in California and save lives.

BACKGROUND

Responding to Senator DeSaulnier's annual "There Ought to Be a Law" contest, Megan Williams (Hoang Thu) of Walnut Creek proposed this idea after her daughter, Michelle Maykin, passed away from leukemia in 2009.

While cancer impacts all of us, cancers such as leukemia are particularly deadly to minority communities due to the small number of individuals registering to donate bone marrow. When a bone marrow match cannot be found within a family, individuals must reach out to the bone marrow donation registry to find individuals of the same ethnicity.

Nationally, the donor registry is 74% Caucasian and in comparison only 7.1% Asian Pacific Islander (API). But this overstates the donation and match rate, as a Korean cancer patient would most likely need a bone marrow donation from a Korean donor, rather than another donor of the API Community.

Current law provides state employees with a leave of absence to donate an organ or bone marrow but only if the employee has exhausted all of their available sick leave. Under current law, all private sector and local government employees are not provided this same protection. Current law does not promote organ and bone marrow donation contributing to the unnecessary loss of lives.

PREVIOUS LEGISLATION

AB 1825 (Nakano) of 2002 created the current leave statute for state employees.

THIS BILL

SB 1304 provides private sector employees that donate life-saving bone marrow or organs paid, protected leave from their employment. This bill is carefully crafted to ensure leave for a limited period and only for the companies that are large enough to afford providing such leave to their employees. Specifically, it requires any business entity that employs 15 or more employees to provide up to 30 days of paid leave for an organ donation and up to 5 days of paid leave for a bone marrow donation.

This will encourage the utilization of the bone marrow donor registry by lowering the cost of donation, a major impediment to increasing the size and diversity of the registry.

STATUS

May 24th – Senate Floor

SUPPORT

- Project Michelle (Sponsor)
- American Cancer Society
- American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO
- Asian American Donor Program
- Asians for Miracle Marrow Matches
- Asian & Pacific Islander American Health Forum
- Association of California State Supervisors
- Board of Supervisors County of Santa Clara
- California Employment Lawyers Association

- California Nurses Association/National Nurses Organizing Committee
- California State Employees Association
- California State Employees Association Retirees, Inc.
- California Pan-Ethnic Health Network
- California State University Employees Union
- California Transplant Donor Network – Oakland, Modesto, and Fresno, CA
- Consumer Attorneys of California
- Dave Cortese, County of Santa Clara Supervisor, District Three
- Donate Life California, Sacramento, CA
- Lakeview Family Medicine, PLLC
- Leukemia and Lymphoma Society
- Madison P. Nguyen, Councilmember, Dist.7– City of San Jose
- National Kidney Foundation of Northern California
- National Marrow Donor Program
- Service Employees International Union (SEIU), Local 1000
- Viet Lam, MD, San Francisco
- 1, 022 Individuals

OPPOSITION

- Associated General Contractors
- California Chamber of Commerce
- California Construction & Industrial Materials Association
- California Employment Law Council
- California Independent Grocers Association
- National Federation of Independent Business
- Western Electrical Contractors Association

FOR MORE INFORMATION

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